IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

MACA.No. 1734 of 2006()

OPMV.1998/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA
.....

APPELLANT/3RD RESPONDENT:

THE NEW INDIA ASSURANCE COMPANY LIMITED,
NOW REPRESENTED BY ITS DEPUTY MANAGER,
REGIONAL OFFICE, M.G.ROAD, KOCHI-11.

BY ADV. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENTS: PETITIONER:

RAMAKRISHNA PANICKER,
S/O.MADHAVA KURUP, MADHAVA COTTAGE,
WARD NO.II, ARYAD PANCHAYATH, AVALOOKUNNU P.O.,
ALAPPUZHA DISTRICT. (NO RELIEFS ARE CLAIMED
AGAINST THE RESPONDENTS 1 & 2 IN THE O.P.AND HENCE
THEY ARE NOT MADE PARTIES IN THIS APPEAL).

BY ADV. SRI.ASP.KURUP FOR R1
SRI.SADCHITH.P.KURUP

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.A.C.A.NO.1734 OF 2006 (F)

Dated 1st August, 2007

JUDGMENT

Koshy, J.

This appeal is filed by the Insurance company questioning the quantum of compensation. Respondent met with a motor accident by which he suffered 44% disability as certified by the Medical Board. He claimed that he is a contractor and Rs.10,000/- is his monthly income. But tribunal has taken only Rs.5,000/- as monthly income in the absence of data. Taking the age of the claimant, 13 was taken as the multiplier and compensation was calculated for disability. Contention raised was that the tribunal went wrong in granting Rs.60,000/- for loss of earning. Immediately after five months of the accident, he filed the petition. Thereafter by applying multiplier of 13, compensation was granted. Therefore at the maximum, only five months earnings can be granted. That is the only contention raised before us. We accept the above contention and total awarded amount will be reduced by Rs.35,000/- and the balance amount should be deposited by the appellant Insurance company

with the interest and costs as awarded by the tribunal. Accordingly this appeal is partly allowed.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp